

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
ENVIRONMENTAL ASSESSMENT For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Montana State Board of Land Commissioners,
(Applicant)
PO Box 201601
Helena, MT 59620-1601**

**Mike Goffena, (Contact)
331 Allen Road
Roundup, MT 59072**
2. Type of action: **Application to Change a Water Right No. 40C 215290-00**
3. Water source name: **Musselshell River**
4. Location affected by project:
 - **Point of Diversion: NWSESE, Sec 35, Twp 9N, Rge 27E**
 - **Place of Use: SW, Sec 36, Twp 9N, Rge 27E**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The proposed change is to move the Point of Diversion from Gov't Lot 3, W2, Sec 1, Twp 8N, Rge 27E of Musselshell County to NWSESE, Sec 35, Twp 9N, Rge 27E of Musselshell County. This is being done due to the abandonment of the Kruger-Spendiff Ditch that the old POD relied on entirely. The new POD will include 1,100 feet of 15-inch pipeline to continue allowing irrigation via a 12-inch gated-pipe irrigation system at the original POU, which is unchanged, on the WR. The new pump site will convey 2.01 CFS (901.15 GPM) for the irrigation of 36 acres at the POU. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Fish, Wildlife, & Parks – Online
Montana Bureau of Mines and Geology -- Online
Montana Natural Heritage Program -- Online
USDA Web Soil Survey -- Online
USFWS Environmental Online System -- Online
Montana Department of Environmental Quality – online

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Musselshell River is listed as chronically dewatered. This appropriation is only changing the Point of Diversion and is not increasing or changing in use. Rather, because the new diversion relies on a pipeline instead of a ditch, there will be no water loss to evaporation or to water infiltrating downward into the soil which should result in a net gain for the system.

Determination: No significant impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

The Musselshell River is listed as having one or more beneficial uses impaired or threatened. However, it is unlikely that moving the Point of Diversion will affect water quality in any way.

Determination: No significant impact.

Groundwater - Assess if the proposed project impacts groundwater quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

This application is for use of surface water and will likely have no effect on groundwater quality or supply.

Determination: No significant impact.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

This application proposes to move the Point of Diversion downstream roughly 0.6 miles. There should be no impact on the channel, flow, barriers, riparian areas, dams or wells due to this move.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

The Montana Natural Heritage Program identified the following as Species of Concern, both plants and animals, in the proposed area of this project:

- Animals
 - Black Tailed Prairie Dogs (*Cynomys ludovicianus*)
 - Hoary Bat (*Lasiurus cinereus*)
 - Golden Eagle (*Aquila chrysaetos*)
 - Ferruginous Hawk (*Buteo regalis*)
 - Greater Sage-Grouse (*Centrocercus urophasianus*)
 - Loggerhead Shrike (*Lanius ludvicianus*)
 - Brewer's Sparrow (*Spizella breweri*)
 - Spiny Softshell (*Apalone spinifera*)
 - Greater Short-horned Lizard (*Phrynosoma hernandesi*)
- Plants
 - There are no threatened or endangered plants in Twp 9N, Rge 27E

This application proposes to move the Point of Diversion downstream roughly 0.6 miles and add a 1,100-foot pipeline from the river to the Place of Use. This should not have any adverse impact on fish or wildlife. There will be no barrier to migration or movement, and no threat to threatened or endangered wildlife or other species of concern.

Determination: No significant impact.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

There are palustrine wetlands at the Place of Use, but the installation of the pipeline will occur roughly 0.25 miles away on the opposite side of an agricultural field.

Determination: No significant impact.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

There are no ponds within the area of the proposed project.

Determination: No significant impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Neither changing the Point of Diversion or the addition of a buried pipeline will have an impact on soil quality. There is no evidence of salts that could cause saline seep within the impacted area,

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

There are no additional pumps being used in this project and there should be no adverse effect on air quality.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

N/A - Project not located on State or Federal Lands.

Determination: No significant impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

There do not appear to be any other potential impacts on environmental resources, be they land, water, or energy.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

There are no known local environmental plans or goals in this area.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

This project will have no significant impact on recreational or wilderness activities as it is on private property.

Determination: No significant impact.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

This project will have no significant impact on human health.

Determination: No significant impact.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No **X** If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

There are no additional government regulatory impacts on private property rights associated with this application.

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **No significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**
- (c) Existing land uses? **No significant impact.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**
- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances?

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: **There are no secondary impacts identified.**

Cumulative Impacts: **There are no cumulative impacts identified.**

3. Describe any mitigation/stipulation measures:

No mitigation or stipulation measures are required for this proposed project.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

There are no alternative actions required for this proposed project.

PART III. Conclusion

1. *Preferred Alternative:* **Issue an authorization for the proposed project.**
2. *Comments and Responses:* **There are no comments or responses associated with this proposed project.**
3. *Finding:*
Yes___ No_**X**_ *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

Name of person(s) responsible for preparation of EA:

Name: Anthony Joyce

Title: Hydrologist I, Lewistown Regional Office

Date: November 17, 2022